



**WASHINGTON DEPARTMENT
OF FISH AND WILDLIFE
FINAL DETERMINATION OF
NON-SIGNIFICANCE**
November 16, 1999

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

DETERMINATION OF NONSIGNIFICANCE

Name of Proposal: ADDITION OF NORTHERN LEOPARD FROG AND MARDON SKIPPER TO STATE ENDANGERED SPECIES RULE (WAC 232.12.014), AND OLYMPIC MUDMINNOW TO STATE SENSITIVE SPECIES RULE (PROTECTED WILDLIFE) (WAC 232.12.011)

Description of Proposal: The proposed rule changes include three species for possible listing as state endangered and sensitive species. These proposed amended rules identify sensitive species in Washington which are in need of special management consideration to keep them from becoming threatened or endangered. The proposed amendments would add Olympic mudminnow to the list of protected species designated as sensitive. The proposed amendments would also add northern leopard frog and mardon skipper to the list of state endangered species. The final status reports are available at our the Department of Fish and Wildlife's headquarters and regional offices, and libraries throughout the state. Locations to obtain copies, and electronic copies of the final status reports may be obtained online at <http://www.wa.gov/wdfw/do/oct99/oct2299b.htm>.

Proponent: Washington Department of Fish and Wildlife, Endangered Species Section, 600 Capitol Way North, Olympia, Washington 98501-1091. Contact: Endangered Species Section Manager.

Location of Proposal, including street, if any: Statewide.

Lead Agency: Washington Department of Fish and Wildlife

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.


This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issue below. Comments must be submitted by: **November 15, 1999**

Responsible Official: Peter Birch **Position/Title:** Environmental Services Division Manager

Address: 600 Capitol Way North, Olympia, WA 98501

PLEASE CONTACT: Cynthia R. Pratt **Phone:** (360) 902-2575 **Fax:** (360) 902-2946 or **e-mail:** prattcrp@dfw.wa.gov if you have questions or comments about this determination.

DATE OF ISSUE: November 1, 1999

SIGNATURE:  for Peter Birch

Distribution of Environmental Document:

Department of Ecology, Environmental Review Section, Olympia
Department of Natural Resources, SEPA Center, Olympia
Washington Parks and Recreation Commission, Olympia
Washington Department of Transportation, Olympia
U.S. Army Corps of Engineers, Seattle
U.S. Fish and Wildlife Service, Western Washington Office, Lacey
U.S. Fish and Wildlife Service, Upper Columbia River Basin Field Office, Spokane
U.S. Environmental Protection Agency, Seattle
U. S. Forest Service, Region 6, Portland
U.S. National Parks Service, Seattle
U.S. National Marine Fisheries Service, Portland OR
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Adams County Planning Department, Othello
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Northwest Indian Fisheries Commission, Olympia
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Point No Point Treaty Council, Kingston
Upper Columbia United Tribes, Wellpoint
Skagit System Cooperative, La Conner
Chehalis Tribe, Oakville
Colville Confederated Tribes, Nespelem
Cowlitz Indian Nation, Longview
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Jamestown Klallam Indian Tribes, Sequim
Kalispell Tribe, Usk
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Makah Tribal Council, Neah Bay
Muckleshoot Tribal Fisheries, Auburn
Nisqually Tribe, Olympia
Nooksack Tribe, Deming
Port Gamble Klallam Tribe, Kingston
Puyallup Tribe of Indians, Tacoma
Quileute Tribe, La Push
Quinault Indian Nation, Taholah
Sauk-Suiattle Indian Tribe, Darrington
Shoalwater Bay Tribe, Tokeland
Skokomish Tribe, Shelton
Snoqualmie Tribe, Carnation
Spokane Tribe, Wellpoint
Squaxin Island Tribe, Shelton
Stillaguamish Tribe, Arlington
Suquamish Tribe, Suquamish
Swinomish Tribe, La Conner
Tulalip Tribes, Marysville
Confederated Tribes of the Umatilla Indian Reservation, Pendelton
Upper Skagit Tribe, Sedro Wooley
Yakima Indian Nation, Toppenish
WDFW, Habitat Program, Region 1, Spokane
WDFW, Habitat Program, Region 2, Ephrata
WDFW, Habitat Program, Region 3, Yakima
WDFW, Habitat Program, Region 4, Mill Creek
WDFW, Habitat Program, Region 5, Vancouver
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State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Habitat Program: 600 Capitol Way N, Olympia, Washington 98501-1091 - (360) 902-2534

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. *The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.*

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. *Answer the questions briefly, with the most precise information known, or give the best description you can.*

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if the question does not apply to your proposal, write "do not know" or "does not apply". *Complete answers to the questions now may avoid unnecessary delays later.* Some answers, such as those for Section 8 - Land and Shoreline Use, may require information that can be obtained from your local (County or City) planning or zoning office. When you contact them, have an accurate description of the location of the property on which the proposal is to be, i.e., Section, Township, Range; Parcel Number, Street Address, or major landmarks and crossroads. This will enable them to respond more quickly to your information needs.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. You may be asked to explain certain answers or provide additional information reasonably related to determining if there may be significant adverse impact.



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Habitat Program: 600 Capitol Way N, Olympia, Washington 98501-1091 - (360) 902-2534

ENVIRONMENTAL CHECKLIST
(WAC 197-11-960)

A. BACKGROUND

1. Name of proposed project, if applicable:

Addition of Northern Leopard Frog and Mardon Skipper to State Endangered species rule (WAC 232.12.014) and Olympic Mudminnow to State Sensitive species rule (Protected Wildlife) (WAC 232.12.011).

2. Name of Applicant: Washington Department of Fish and Wildlife

3. Address and phone number of applicant and contact person:

Endangered Species Section Manager
Washington Dept. Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501-1091
360-902-2515

4. Date checklist prepared: 10/18/99

5. Agency requesting checklist: *Washington Department of Fish and Wildlife*

6. Proposed timing or schedule (including phasing, if applicable): 12/10/99

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes. Will develop recovery/management plans for listed species. More species may be added or deleted from the lists in the future.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

Draft and final status reports were prepared for each of the 3 species proposed to be reclassified. Drafts were available for 3-month public review; finals for 1 month.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None

10. List any government approvals or permits that will be needed for your proposal, if known.

Approval of the Washington Fish and Wildlife Commission.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The Washington Department of Fish and Wildlife (WDFW) is evaluating three species for possible

listing as state endangered and sensitive species. Two rules are proposed to be amended: WAC 232.12.011 and WAC 232.12.014. WAC 232.12.011 identifies sensitive species in Washington which are in need of special management consideration to keep them from becoming threatened or endangered. The proposed amendments would add Olympic mudminnow to the list of protected species designated as sensitive. WAC 232.12.014 identifies species which are in danger of being extirpated from Washington. The proposed amendments would add northern leopard frog and mardon skipper to the list of endangered species. The locations in which these species may be found are:

Olympic Mudminnow - Clallam, Jefferson, Grays Harbor, Mason, Pacific, Lewis, Thurston, Snohomish counties.

Northern leopard frog - Grant County.

Mardon Skipper - Thurston, Pierce, Klickitat, and Yakima counties.

The mardon skipper occurs in two disjunct areas in the state: the Puget Prairie and the Southern Cascades. Based on several years of repeated survey effort, it has been concluded that populations at 5 of 18 historic sites have been extirpated (4 in the Puget Prairie, and 1 in the Southern Cascades). Nine of the 18 historic sites are known to be occupied; the current status of 4 other sites is uncertain. A few hundred individuals are estimated to remain. The remaining butterflies are threatened by insecticides, invasive plant control practices, fire, and recreational activities. Due to the mardon skipper's small population size, limited distribution, isolation, and threats to remaining populations, the species is in danger of extirpation in Washington.

The northern leopard frog appears to have been extirpated from most of its former range in Washington. Field surveys conducted since 1992 indicate a decline from 18 known areas in 8 counties to 2 known areas in one county. The remaining sites occupied by leopard frogs in Washington are entirely on public lands managed by WDFW. Major threats to leopard frogs, however, occur from factors outside the direct control of WDFW, including predation and competition by bullfrogs and other introduced species, and the effects of agricultural chemicals. Due to the significant reduction in range and abundance, and the continued threats to the remaining occupied sites, the northern leopard frog is in danger of extinction in Washington. These species will require special management considerations and development of a recovery plan in order to restore them to viable population levels.

The Olympic mudminnow is found only in Washington. The current distribution includes the Olympic Peninsula, Chehalis and lower Deschutes river drainages, and south Puget Sound, west of the Nisqually River. They are usually found in slow-moving streams, wetlands, and ponds. Within these habitats, they require a muddy bottom, little or no water flow, and abundant aquatic vegetation. Wetland loss in Washington since settlement is estimated to range from 20-50%. While the rate of loss of wetlands has been reduced, there are still 700-2000 acres lost each year. Because of the mudminnow's very restricted range, complete dependence on healthy wetland habitat, and the continuing loss of wetlands, the mudminnow is vulnerable and likely to become threatened or endangered in a significant portion of its range without cooperative management.

Listing of species is based solely on the biological status of the species. The procedures WDFW uses to evaluate species for possible listing were developed by a citizen/agency group representing a variety of interests. A draft status report and listing recommendation was prepared for each species. The WDFW sought information from the public during 1999 to help develop the status reports. The draft reports and listing recommendations were made available to the public for a 90-day review period June 15 - September 15, 1999. The purpose of the public review was to allow interested persons to submit new scientific information applicable to the status report and classification recommendation and to comment on the Department's interpretation of existing information.

The WDFW held two public meetings on this issue during the review period in Olympia (July 27) and Moses Lake (July 29). At the close of the public review period on September 15, 1998, the WDFW prepared final status reports and recommendations. The public will have an opportunity to review the final reports and recommendations from November 1 to November 30, 1999. The final

recommendations will be presented to the Washington Fish and Wildlife Commission for action on December 10-11, 1999.

12. **Location of the proposal.** Give sufficient information for a person to understand the precise location of your proposed project, including street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
- Statewide.

B. ENVIRONMENTAL ELEMENTS N/A

1. Earth N/A

- a. **General description of the site (circle one):** Flat, rolling, hilly, steep slopes, mountainous, other_____.
- b. **What is the steepest slope on the site (approximate percent slope)?**
- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)?** If you know the classification of agricultural soils, specify them and note any prime farmland.
- d. **Are there surface indications or history of unstable soils in the immediate vicinity?** If so, describe.
- e. **Describe the purpose, type and approximate quantities of any filling or grading proposed.** Indicate source of fill.
- f. **Could erosion occur as a result of clearing, construction or use?** If so generally describe.
- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

2. Air N/A

- a. **What type of emissions to the air would result from the proposal (i.e., dust automobile, odors, industrial wood smoke) during construction and when the project is completed?** If any, generally describe and give approximate quantities if known.
- b. **Are there any off-site sources of emissions or odor that may affect your proposal?** If so, generally describe.
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

3. WATER N/A

a. Surface

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes ponds or wetlands)?** If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
- 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?** If yes, please describe and attach available plans.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? ____ YES. ____ NO.
If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste material to surface waters? If so, describe the type of waste and anticipated volume of discharge.

3. WATER N/A

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description purpose, and approximate quantities, if known.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

3. WATER N/A

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground and runoff water impacts, if any:

4. PLANTS N/A

a. Check or circle types of vegetation found on the site:

- ___ deciduous tree: alder, maple, aspen, other
- ___ evergreen tree: fir, cedar, pine, other
- ___ shrubs,
- ___ grass
- ___ pasture
- ___ crop or grain
- ___ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- ___ water plants: waterlily, eelgrass, milfoil, other
- ___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species [of plants] known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. ANIMALS See Project Description, A11.

- a. Circle any birds or animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:
Mammals: deer, bear, elk, beaver, other:
Fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve and enhance wildlife, if any:

6. ENERGY AND NATURAL RESOURCES N/A

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. ENVIRONMENTAL HEALTH N/A

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste that could occur as a result of this proposal.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on an short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. LAND AND SHORELINE USE N/A

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so describe?
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?

- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project? _____
- j. Approximately how many people would the completed project displace? _____
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. HOUSING N/A

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. AESTHETICS N/A

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. LIGHT AND GLARE N/A

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
N/A.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No. Olympic mudminnows are nongame fish species and are not fished.
- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:
None.

13. HISTORIC AND CULTURAL PRESERVATION N/A

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural

importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

14. TRANSPORTATION N/A

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

b. Is site currently served by public transit? If no, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? _____
How many would the project eliminate? _____

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

g. Proposed measures to reduce or control transportation impacts, if any:

15. PUBLIC SERVICES N/A

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? IF so generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any:

16. UTILITIES N/A

a. Circle utilities currently available at the site: ELECTRICITY, NATURAL GAS, WATER, REFUSE SERVICE, TELEPHONE, SANITARY SEWER, SEPTIC SYSTEM, OTHER.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

SIGNATURE:

DATE SUBMITTED: 10/18/99





State of Washington
DEPARTMENT OF FISH AND WILDLIFE
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SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A

2. How would the proposal be likely to affect plants, animals, fish or marine life?

This action would benefit these 3 species. Listing or reclassification will result in accurately reflecting the biological status of these species in Washington and focusing management consideration for these species. A recovery plan will be developed for the mardon skipper and northern leopard frog to outline recovery objectives and strategies to achieve restoration of populations to healthy levels. A management plan will be developed for the Olympic mudminnow.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

These would be developed in each recovery/management plan. They would include land management activities to consider the needs of the species, habitat restoration, acquisition, captive breeding and reintroduction in some cases, enforcement, information and education.

3. How would the proposal be likely to deplete energy and natural resources?

N/A

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened and endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

More areas could be protected in the future to help restoration efforts for these species.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

May have some affect if counties, local governments, or other agencies such as Department of Natural Resources, address species protection in planning efforts, e.g. for the Growth Management Act, Forest Practices rules, etc.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Agencies, counties in management planning and decision-making process, may structure to try to balance needs of species with impacts. Will be up to land managers, local governments, and on a case-by-case basis.

6. How would the proposal be likely to increase demands on transportation or public services or utilities?

It wouldn't.

Proposed measures to reduce or respond to such demand(s) are:

N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

If the agency did not add these species to WAC's 232.12.011 and 232.12.014 we would not be in compliance with our listing procedures (WAC 232.12.297), or the WDFW agency mission and policies.